

COUNCIL CHAMBERS -- CITY COUNCIL  
CITY HALL -- CITY OF LODI  
Monday, November 6, 1933

This regular meeting of the City Council of the City of Lodi was called to order by the Mayor at 8 o'clock P.M. on the date first above written. Councilmen Clark, Keagle, Spooner, Weihe and Steele (Mayor) present, none absent.

The minutes of the last meeting held October 16th were read, approved as read and so endorsed by the Mayor.

No persons appearing, the order of Public Hearings was passed and the Council proceeded to the hearing of Communications and Reports :

A letter from the Veterans of Foreign Wars calling the attention of the Council to their convention to be held in Lodi December 2nd and soliciting assistance in entertaining the guests of the local post. On motion of Councilman Spooner, Keagle second, the sum of \$25.00 was appropriated toward defraying this expense.

A letter from the Armistice Day Committee of Lodi Post No. 22 of the American Legion inviting the Council to march in the annual Armistice Day parade was read and the invitation accepted unanimously.

A notice of the quarterly meeting of the Community Welfare Council to be held November 13th was read and the Mayor was asked to attend as representative of the City.

Notice of the calling of a campaign organization committee to favor the adoption of the Central Valley Water Project to meet November 7th in Stockton was read. The Mayor stated that he would attend and represent the City.

A letter signed jointly by the Mayors of the Cities of Burbank and Lakeport soliciting this City's assistance in obtaining a re-hearing before the State Supreme Court of the case of American Company vs The City of Lakeport and relating to the liability of cities for 1915 Bond Act delinquencies was read, but, as this City had but little at stake in this matter, no action was taken.

The monthly report of the Chief of Police for October was received, read and ordered filed, likewise the report of the City Poundmaster covering the same period.

Four building permits for structures to cost \$7,755.00 were ordered granted.

In the matter of the claim of M.R.Channell who served in the Fire Department for five days in the place of J.E. Baker absent on account of death in his family, it was ordered that Mr Channell look to Mr Baker for wages as the Council did not deem this a legal charge against the City.

ORDINANCE NO. 200 entitled " AN ORDINANCE DECLARING ALL OLD BUILDINGS OR STRUCTURES WHICH ARE DILAPIDATED BEYOND REPAIR, TO BE PUBLIC NUISANCES, AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES" was introduced on motion of Councilman Weihe, Keagle second, read at length and ordered laid over for the statutory period of not less than five days.

Mayor Steele then introduced the following Resolution and on motion of Councilman Spooner, Weihe second, and passed by unanimous vote, the same was adopted :

RESOLUTION NO. 694

WHEREAS, the State Water Plan project or Central Valley Water project which was passed by the last legislature to be financed by the Federal Government has been held up by

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referendum, and the Governor of the State of California has called a special election on December 19th, 1933, to have the plan approved or disapproved by the people, and,

WHEREAS, this Council believes that the consummation of this plan will be for the best interests of the people of the State of California,

NOW, THEREFORE, BE IT RESOLVED, that this City Council of the City of Lodi does hereby approve and endorse the said State Water Plan and urges the voters to give it their full support.

In the matter of the connection of premises lying without the boundaries of the City to the City sewer system :- The following order of the City Council was ordered entered in the minutes of this meeting :

When any person, firm or corporation desires to have premises lying without the City limits connected to the City's sewerage system, it or they shall first apply to the City Council in writing for such privilege and shall sign an undertaking to assume all cost of such connection including the sewer permit and to pay a monthly or annual charge to be set by the City Council, which charge shall be based on the assessed valuation of the properties affected as set by the City Assessor but in no instance shall such charge be less than \$2.50 per month. All work in making such connection shall be under supervision of the Superintendent of Public Utilities and shall be done to the satisfaction of the City Council. The City Council reserves the right to grant or to refuse this privilege in any instance and for any reason it may deem proper.

Bills in the amount of \$10,499.78 comprising claims and payrolls were allowed and ordered paid on motion of Councilman Weihe, Clark second.

The following resolutions were then adopted after the Council had spent some time in consultation with the City Attorney and Mr Clinton O. Henning :-

RESOLUTION NO. 692

WHEREAS, the City of Lodi has heretofore entered into an agreement with the Colorado Power Company under which a certain power site consisting of real property located on the Mokelumne River a short distance below the Pardee Dam in Calaveras and Amador Counties was conveyed to the City of Lodi for the development of a municipal hydro-electric plant, and,

WHEREAS, said property was accepted by the City Council of Lodi for use and development of a municipal power project thereon subject to the conditions subsequent in the said conveyance therein set forth; and,

WHEREAS, previous to the said conveyance, litigation had ensued between the Colorado Power Company, the grantor of the City of Lodi, and the Pacific Gas and Electric Company, involving the right of the said Pacific Gas and Electric Company to construct and operate its new proposed Mokelumne development and thereby trespass upon the riparian right of the Colorado Power Company; and,

WHEREAS, subsequently the Supreme Court of the State of California affirmed the decision of the Superior Court of Calaveras County thereby compelling the Pacific Gas and Electric Company to annually release and return to said river, from storage and/or natural flow, an average daily flow of 475 cubic feet per second for each day so long as there is water on any of the Pacific Gas and Electric Company's storage works, and,

WHEREAS, following the said conveyance litigation ensued between the City of Lodi and the East Bay Municipal Utility District involving the extent of the right to the use of the natural flow of the Mokelumne River at said site by the City

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of Lodi as opposed to the asserted right of the East Bay Municipal Utility District to condemn and extinguish said water right to the extent of its proposed ultimate operations, which litigation has now been finally terminated and the said District having acquired its said asserted right; and,

WHEREAS, for the purpose of protecting the City's municipal water supply, the City of Lodi has prosecuted additional litigation against said East Bay Municipal Utility District and Pacific Gas & Electric Company in the Superior Court of the County of San Joaquin, to insure a sufficient flow in the Mokelumne River to maintain the percolation into the City's wells; and,

WHEREAS, the Honorable Benjamin C. Jones, Judge, presiding in the Superior Court of San Joaquin County at said trial, has rendered and entered a judgement in favor of the City of Lodi requiring specific releases by the Pacific Gas & Electric Company and East Bay Municipal Utility District of certain flows of water; and,

WHEREAS, such released flows, together with all other waters of the Mokelumne River, excepting only that portion diverted from the water shed for municipal and domestic uses, will pass over and across the property conveyed to the City of Lodi by the Colorado Power Company, and such waters will be available for the development of hydro-electric energy at the said City of Lodi Power site; and,

WHEREAS, the City Council believes that the present and future economic development of the City of Lodi and its adjacent territory is largely dependent upon securing an assured and independent source of hydro-electric power whereby electrical energy may be available at a low cost; and,

WHEREAS, said City of Lodi heretofore passed and adopted its Resolution No. 683 pursuant to which Messrs. Nelson A. Eckart, Walter L. Huber and Fred C. Herrmann, Consulting Engineers, were employed to fully and completely investigate and report upon the present facts concerning costs, markets, finances and economic feasibility of construction and operation of the power project as hereinbefore referred to and as it may be adapted to the needs of the City of Lodi and its adjacent territory; and,

WHEREAS, said three consulting Engineers have reported to the City Council of the City of Lodi that the construction of said hydro-electric plant is feasible and that the estimated cost of the project including the dam, power plant, transmission line and step-up and step-down transformer stations necessary to tie in with the existing distribution system of the City of Lodi is tentatively placed at \$500,000.00; and,

WHEREAS, said City Council heretofore passed and adopted its Resolution No. 687, a certified copy of which has been filed with the Federal Emergency Administration of Public Works, Washington, D. C. wherein the said City Council has signified its intention to file with the said Federal Emergency Administration of Public Works a complete and detailed application for a grant and loan in accordance with the provisions of the National Industrial Recovery Act of the United States; and,

WHEREAS, it appears that the Legislature of the State of California heretofore duly and regularly passed and adopted Assembly Bill No. 1043, Chapter 609, of the Laws of the State of California, which was approved by the Governor of the State of California on May 27th, 1933, under and by virtue of which the said City of Lodi is empowered to issue bonds, for the purpose of raising and borrowing moneys wherewith to construct betterments and improvements to its existing water works system, such bonds to be a statutory lien upon said betterments and improvements so to be acquired and constructed and to be payable only out of revenue to be derived from such betterments and improvements to said water works system;

NOW THEREFORE, BE IT RESOLVED, that the City of Lodi shall make and file an application, and the City Attorney of said City is hereby authorized for and on behalf of said City, to make, sign and file with the said Federal Emergency Administration of Public Works, an application for a loan ~~of~~ and grant to the said City of Lodi in the sum of \$500,000.00 wherewith to build and construct the said power project including the dam, power-plant, transmission line and step-up and step-down transformer

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station and appurtenances necessary to tie in with the existing water works and electrical distribution system of said City of Lodi, said improvements, if and when constructed, to be betterments and improvement to said city's existing water works system;

BE IT FURTHER RESOLVED, that said application for said loan and grant shall state that all moneys which may be lent to said City, pursuant thereto, and the repayment thereof shall be secured by revenue bonds to be issued pursuant to the provisions of said Assembly Bill No. 1043 if and when authorized by the electors of the City of Lodi at an election called and to be held pursuant to said Assembly Bill No. 1043;

BE IT FURTHER RESOLVED, that said application shall request that such part of said sum of \$500,000.00 as can or may be granted to said City of Lodi pursuant to said National Recovery Act, shall be so granted that the balance thereof shall be lent to said City upon the security of said bonds;

BE IT FURTHER RESOLVED, that the said City Attorney is hereby authorized and directed in support of such application, to file with the said Federal Emergency Administration of Public Works, such maps, reports, papers, records, files and other supporting data as may be necessary or proper.

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The foregoing Resolution No. 692 was thereupon passed and adopted by the following vote :-

AYES: Councilmen, Spooner, Weihe, Clark, Keagle and Steele.  
NOES: Councilmen, None. ABSENT: Councilmen, None.

RESOLUTION NO. 693.

BE IT RESOLVED, that the City Attorney of the City of Lodi for and on behalf of said City and in the name of said City, be, and he is hereby authorized and directed and required to file with the Federal Power Commission of the United States, an application for a license permitting the use by the said City of Lodi of that part of the Mokelumne River channel area owned by the United States of America, necessary to be flooded or requisite in the project operation of the City of Lodi, said project operation being the building, operation and construction of the proposed power plant of the City of Lodi and lying within the Southeast Quarter of the Northeast Quarter of Section Thirty-four (34), Township Five (5), North Range Ten (10), East, Mount Diablo Base and Meridian.

Said City Attorney is further authorized to file in support of said application, such maps, reports and other supporting data as may be necessary and proper and to take such other proceedings as may be necessary for the purpose of obtaining the said license from the said Federal Power Commission.

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The foregoing Resolution No. 693 was thereupon passed and adopted by the following vote :-

AYES: Councilmen, Spooner, Weihe, Clark, Keagle and Steele.  
NOES: Councilmen, None. ABSENT: Councilmen, None.

No further business appearing at this time, the City Council stood adjourned on order of the Mayor.

Attest:

*J. B. Boney*  
City Clerk.

The foregoing minutes read and approved without correction at a regular meeting of the City Council of the City of Lodi held Monday, November 20, 1933.

*E. M. Steele*  
MAYOR.